## Case 2:06-cv-00746-JLR Document 16 Filed 10/12/06 Page 1 of 1 Case 2:06-cv-00746-JLR Document 15-2 Filed 09/21/2006 Page 1 of 1

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7	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON
8	AT SEATTLE
9	TOBY MASSE, )
10	Petitioner, ) CASE NO. C06-746-JLR-MJB
11	v. (
	T. LONG, ORDER DISMISSING § 2254 PETITION
12	Respondent.
13	
14	The Court, having reviewed petitioner's petition for a writ of habeas corpus pursuant to 28
15	U.S.C. § 2254, respondent's motion to dismiss, petitioner's response, the Report and
16	Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, any objections
17	thereto, and the balance of the record, does hereby find and ORDER:
18	(1) The Court adopts the Report and Recommendation.
19	(2) Petitioner's § 2254 petition (Dkt. #6) is DISMISSED as untimely.
20	(3) The Clerk is directed to send copies of this Order to petitioner, to counsel for
21	respondent, and to Judge Benton.
22	DATED this 17th day of October, 2006.
23	
24	- Jun hall
25	JAMÈS L. ROBART United States District Judge
26	)
	ORDER DISMISSING 8 2254 PETITION